

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE: Mark and Julie Hatt

Case No. 10-63525-swr

Hon. Steven W. Rhodes

CHAPTER 13

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OBJECTION TO PROOF OF CLAIM OF BAC Home Loans Servicing, LP et al..

Now come the Debtors Mark and Julie Hatt, by and through their attorney, Jesse R. Sweeney, and hereby bring this Objection to Proof of Claim against BAC Home Loans Servicing, LP et al., which is listed in this case as clam number 4 and states as follows:

1. That the BAC Home Loans Servicing, LP et al. filed a Secured Claim in this matter but the lien has been stripped in an adversary proceeding. Moreover, the claim cannot be paid as an unsecured claim as the unsecured portion was discharged in the Debtor's prior Chapter 7 bankruptcy case.

WHEREFORE Debtor prays that the Objection be sustained and that the claim be stricken in its entirety.

Respectfully Submitted,

DATE: January 19, 2011 \_\_\_\_\_

/s/ Jesse R. Sweeney  
Jesse R. Sweeney (P60941)  
Sweeney Law Offices, P.L.L.C.  
Attorney for Debtor  
29777 Telegraph, Suite 2500  
Southfield, MI 48034  
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(586) 909-8017

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CHAPTER 13

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ORDER SUSTAINING OBJECTION TO PROOF OF CLAIM OF BAC Home Loans Servicing, LP et al..

Upon the reading and filing of Attorney for Debtors, JESSE R. SWEENEY's Objection to Proof of Claim and no responses having been filed to the said Objection, and a Certificate of No Response having been filed with this Court;

IT IS HEREBY ORDERED:

- a. That Debtor's Objection to Proof of Claim is sustained as to claim number 4, the claim stricken in its entirety and the Chapter 13 Trustee shall not be required to return or recoup any funds already remitted to this creditor.

DATED:

\_\_\_\_\_  
Honorable Steven W. Rhodes

UNITED STATES BANKRUPTCY COURT  
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NOTICE OF OBJECTION TO PROOF OF CLAIM FILED BY BAC Home Loans Servicing, LP et al..

JESSE R. SWEENEY, Attorney for Debtor(s), has filed papers with the Court objecting to a Proof of Claim.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

PLEASE TAKE NOTICE that the attached Objection is scheduled to be heard on March 9, 2011 at 1:30 PM by the **Honorable Steven W. Rhodes** on the 18th Floor in **room 1825** of the **Comerica Building** located at **211 W. Fort Street, Detroit, Michigan 48226**, or as soon thereafter as counsel may be heard.

If you do not want the Court to award the requested relief, or if you want the court to consider your views on the Objection, on or before 7 days prior to the hearing date above, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:

United States Bankruptcy Court  
211 W. Fort Street, Suite 2100  
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

SWEENEY LAW OFFICES, P.C.  
Jesse R. Sweeney  
Attorney for Debtor(s)  
29777 Telegraph, Suite 2500  
Southfield, MI 48034

Chapter 13 Standing Trustee Krispen Carroll  
719 Griswold Street, 1100 Dime Bldg  
Detroit, MI 48226

**If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection, and may enter an order granting that relief.**

DATE: January 19, 2011 \_\_\_\_\_

/s/ Jesse R. Sweeney  
Jesse R. Sweeney (P60941)  
Sweeney Law Offices, P.L.L.C.  
Attorney for Debtor  
29777 Telegraph, Suite 2500  
Southfield, MI 48034  
Sweeneylaw2005@yahoo.com

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Debtor(s),  
\_\_\_\_\_

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CERTIFICATE OF SERVICE

The undersigned declares that on January 19, 2011, he served copies of the Debtors Objection to Claim of BAC Home Loans Servicing, LP et al., and the Notice of Objection and Hearing either electronically or by depositing the same in the United States Mail, postage fully prepaid, and addressed as follows:

Chapter 13 Standing Trustee Krispen Carroll  
719 Griswold Street, 1100 Dime Bldg  
Detroit, MI 48226

U.S. Trustee  
211 W. Fort Street, Ste. 700  
Detroit, MI 48226

BAC Home Loans Servicing, LP et al.  
Mail Stop: CA6-919-01-23  
BK- Dept. 400 National Way  
Simi Valley, CA 93065

All Creditors listed on attached pages

/S/ Jesse R. Sweeney  
JESSE R. SWEENEY

JESSE R. SWEENEY  
Attorney for Debtor(s)  
29777 Telegraph, Suite 2500  
Southfield, MI 48034  
Sweeneylaw2005@yahoo.com  
(586)909-8017